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September 26, 2019

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VIA FACSIMILE: (585) 613-4075

Hon. Jonathan W. Feldman
United States District Court
100 State Street
Rochester, NY 14614

Jonathan W. Feldman
U.S. Magistrate Judge
Western District of New York

Re: *Angel Perry v. John A. Guerrieri, DDS PLLC d/b/a John A. Guerrieri DDS*
Case No. 18-cv-6443

Dear Judge Feldman:

Pursuant to the conference on September 10, 2019, the parties have conferred and Defendant consents to the content of this letter.

Plaintiff respectfully requests that the Court enter this letter as an order requiring Defendant to comply with the following disclosures.

I. Electronically Stored Information ("ESI")

Defendant will produce ESI using the following protocol.

A. Email Addresses:

sharon@walworthdentist.com
drjohn@walworthdentist.com
erica@walworthdentist.com
crystal@walworthdentist.com
jguerrieri66@gmail.com

B. Devices:

(1) Server

(2) Computers:

- a. Computer used by Sharon Fields prior to May 2019
- b. Computer used by Sharon Fields from May 2019 to present
- c. Computer used by Dr. Guerrieri 2016 to present

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d. Additional receptionist computer, used by Crystal Robinson, 2016 to present

(3) Cellular Phones:

- a. Dr. Guerrieri's cell phone, phone number: 585-217-1733
- b. Ms. Field's cell phone, phone number: 315-690-6376

C. Search Terms:

Angel or Perry or Pery or Perrie or EEOC or harass* or retaliate* or lawsuit or Tornatore or Carbonaro

D. Date Range:

September 1, 2016 to October 1, 2019

E. Protocol:

Defendant will perform searches of all email accounts (including the inbox, sent mail, deleted, junk mail, and any other folders or sub-folders) and all devices listed above, with the search terms and date range stated above.

Defendant will produce all documents in pdf format.

If any documents are withheld on the basis of privilege, Defendant will provide a Privilege Log pursuant to Fed.R.Civ.P. 26(b)(5).

II. Native Versions of Calendar Entries With Metadata

Defendant will produce native versions of the calendar entries produced by defendant during its deposition, and introduced as Exhibit 8 to defendants' depositions, with all metadata intact. (A copy of the calendar entries is attached hereto as Exhibit A.)

III. Certification by ESI Vendor

Defendant will provide a certification by a third-party expert stating that the production required in paragraphs I and II above has been completed.

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IV. Additional Documents

In addition, defendant will produce copies of the following documents in pdf or hard copy.

A. All documents relating to Angel Perry's taking x-rays of Sharon Fields as testified to during Ms. Fields' deposition, including any dental records, copies of the x-rays, records regarding any resulting treatment by Dr. Guerrieri, and any prescription for medication issued to Ms. Fields;

B. All of Plaintiff's payroll records;

C. All of Plaintiff's time sheets;

D. All documents constituting personnel files for hygienists and dental assistants employed by Defendant from January 1, 2013, through April 30, 2018, including applications for employment, offer letters, employment agreements, performance records, records of pay increases and promotions, records of decreases in pay and demotions, disciplinary records, and termination letters, if any.

E. All Facebook posts or other social media posts referencing or relating to Angel Perry other than the ones produced during Ms. Perry's deposition;

F. Defendant's tax returns for the year 2018.

V. Calculation for Lost Profits

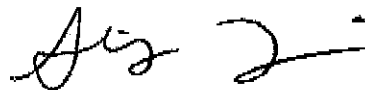
At least thirty days before trial, Defendant will disclose to Plaintiff the formula utilized to calculate profit sharing for the years 2016 through the calendar year in which the trial takes place.

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VI. Time for Compliance

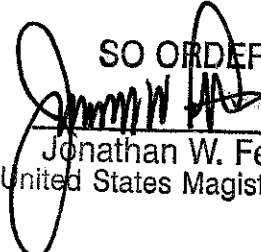
Defendant will comply with paragraphs I through IV above within thirty (30) days of the date of this Letter Order.

Respectfully submitted,



Stacey E. Trien

cc: Michael F. Geraci, Esq. *[via e-mail and U.S. Mail]*
Steven E. Cole, Esq. *[via e-mail]*

SO ORDERED

9/27/19
Jonathan W. Feldman
United States Magistrate Judge